

11/19/07 - Monday, November 19, 2007

CITY OF EAU CLAIRE

PLAN COMMISSION MINUTES

Meeting of November 19, 2007

City Hall, Council Chambers

7:00 p.m.

Members Present: Messrs. Levandowski, Larson, FitzGerald, Kayser, Hughes, Kaiser, Davis

Staff Present: Messrs. Tufte, Ivory, Noel

The meeting was chaired by Mr. Levandowski.

1. Public Hearing - For Recommendation
REZONING (Z-1401-07) - R-3 and I-1 to R-3P, 408 Vine Street
and
CONDITIONAL USE PERMIT (CZ-0731) - Single-family Home in R-3P

Ned Noel presented the staff report. The applicant, Habitat for Humanity, wishes to rezone a parcel from R-3 and I-1 to R-3P and obtain a conditional use permit to build a one-family dwelling within the next three years on the lot.

Bill Gabler, on behalf of the site selection committee for Habitat for Humanity, appeared in support and asked the Commission for a 30-foot setback. Mr. Tufte noted a 30-foot setback is allowed by code.

No public spoke at the hearing.

There was discussion over the three-year time frame the applicant was asking. Mr. Tufte noted that the three-year request would be made part of the conditional use permit.

Mr. FitzGerald moved to recommend approval of rezoning and conditional use permit requests. Mr. Kayser seconded and the motion carried.

2. Public Hearing - For Approval
CONDITIONAL USE PERMIT (CZ-0732) - Garage, 1706 Virginia Lane

Mr. Noel presented the staff report addressing the applicant, Mary Hinze's, conditional use permit request for a detached garage which exceeds the 1,000 square foot standard. Based off staff's analysis, the project would have no adverse impacts and would fit within the character of the immediate neighborhood.

Mary Hinze was present for any questions.

No public spoke at the hearing.

Mr. FitzGerald moved to recommend approval of the conditional use permit request subject to the report's conditions. Mr. Kaiser seconded and the motion carried.

3. For Recommendation
FINAL CONDO PLATS (P-9-07) - Waterford Condominiums, S. Hastings Way

Mr. Kaiser chaired the item.

Mr. Tufte presented the report, which described the intent of the applicant, Goldridge Group, to create condominium plats for two different buildings that are mostly constructed. Specifically, the request is to approve final condo plats for: 1) Waterford South Condominium; 2) Waterford Metro South Condominium; 3) Waterford Galleria South Condominium; and 4) Waterford Professional Condominium. The master plat that was previously approved created unit descriptions and addressed maintenance requirements for private drives and storm water infrastructure. This project would create actual units inside the existing buildings.

Mr. FitzGerald moved to recommend approval of the final condo plats subject to City Attorney review. Mr. Davis seconded and the motion carried. Mr. Levandowski abstained.

4. **SITE PLAN (SP-0754) - Duplex, 3934/36 London Road**

Mr. Noel presented the report to approve the site plan for a residential duplex structure.

The applicant, Paul Madsen, was not present.

Mr. FitzGerald moved to recommend approval of the site plan subject to the sidewalk condition. Mr. Kaiser seconded and the motion carried.

5. DISCUSSION/DIRECTION

A. Lamar Advertising Request

Pat Ivory presented Lamar Advertising's request seeking amendments to the sign code to allow face changes to nonconforming billboards and electronic or LED billboards. Lamar provided ordinance examples. The impetus of their proposal came after two sign permits were denied in which they wished to convert traditional poster-panel billboards into LEDs. The reason they were denied was because the sign code does not allow "direct illumination" of billboards or light that is emitted through tubes and bulbs like a diode. Mr. Ivory stated staff is not in favor of Lamar's proposed ordinances because LED billboards will add more visual brightness, may create more distractions for drivers, and may create nuisances for residents who live in proximity. Furthermore, nonconforming billboard face changes are, by very nature, prolonging the nonconformity status.

Rich Reinart and Bill Mitchell from Lamar Advertising, and Chris Bates and Glen Weed from Daktronics, spoke in favor of the proposed ordinances. Mr. Reinart said in the City of Eau Claire there would only be two to four LED billboards because the market is not large enough for more. He indicated the possible locations of two: the intersection of Menomone Street and Clairemont Avenue and at 3015 London Road. Mr. Reinart played a video showing electronic billboards and message center signs in action. Mr. Bates explained the technology behind the LEDs and how they can be controlled. He also stated he has seen six seconds to fifteen seconds intervals for message lengths based off various circumstances.

There was discussion in terms of what is acceptable for the minimum length of time that the message on the billboard could be displayed. The commission agreed that billboard should be static in format with no animation or flashing characteristics.

There was lengthy debate over face change retrofit improvements to billboards and whether they are structural in nature, only aesthetic, or inherently extends the life of the nonconforming sign. A suggestion was made tying a sunset date or amortization period to sign permits for face changes to nonconforming signs.

Mr. Mitchell, from Lamar Advertising, stated in Eau Claire there are about sixty-two nonconforming signs, compared to eight conforming signs. He noted that most cities they work in allow the retrofit because it gives the billboards a cleaner look and makes them smaller in size.

There was discussion over possibly negotiating a trade-off for allowing a LED billboard, but a certain number of nonconforming billboards would have to be removed, such as the City of Minnetonka, MN, requires. Other negotiations with sign companies could include community messages, such as alerts, and election results, and lease agreement terms when they are located on City lands. However, the Commission thought it more>

There was discussion over the visual and safety concerns of allowing electronic billboards and whether LEDs billboards actually create more or less light pollution. Furthermore, where would it be acceptable to locate these types of signs, such as only on restricted access highways or thoroughfares, a certain distance away from residential, and spacing standards. Concerns were brought up about equity and equal protection for businesses that might not have the type of location that meets these requirements.

Discussion was resolved that most commissioners are willing to consider LED billboards but with no flashing or animation. They wanted to balance sound regulation with the desires of the sign companies and private businesses that advertise. The Commission asked staff to study the issue more and they will visit some existing LED billboards in other communities to better understand possible impacts.

B. Message Center Signs

Mr. Ivory presented the memo regarding past discussions on electronic message signs. He reviewed the current draft ordinance language and what that would mean for ground and wall sign standards.

There was discussion over the wall sign standards, specifically for a message center whether the wall sign size should be limited to 50% of the maximum wall signage allowed on a wall or to 50% of a wall sign structure. The Commission decided to require a conditional use permit if such signs are over fifty square feet and not require a percentage. The Commission agreed that over fifty square feet is a good threshold for requiring a conditional use permit because they see more possible impacts with them instead of ground signs. Equity and enforcement issues were raised as it pertained to the draft provisions on animated signs.

Mr. Larson made a motion to not allow animation and flashing, but including scrolling, for electronic messages signs. Mr. Kayser seconded the motion. There was discussion by the Commission as to the provision of animated signs. The motion then passed with Messrs. Hughes and Levandowski voting nay.

C. Town of Union Comprehensive Plan

Mr. Tufte reviewed the draft comment letter to send to the Town of Union. He stated the main points of the letter were: their draft comprehensive plan is commendable overall; there is great need for cooperative planning; we have like>

Mr. FitzGerald moved to recommend approval and release of staff's comment letter. Mr. Hughes seconded and the motion carried.

D. Code Compliance Items

None.

E. Future Agenda Items

There was discussion on upcoming meeting dates and why the first meeting of the new year was scheduled for December 31, 2007.

Minutes

The minutes of the meeting of November 5, 2007 were approved.

Fred Waedt
Secretary